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VIA EMAIL & ECF

The Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: U.S. v. Karl Jordan, 20 Cr. 305 (LDH)

Dear Judge Hall:

During a pretrial conference on January 17, 2024, the Government renewed its request for a ruling allowing them to admit a video where defendant Jordan states in substance “The motto for 2010 is head shots only.” The defense opposes this request because: 1) The video and statement are attenuated in time from the 2002 murder of Jason Mizell; 2) Whatever, if any, probative value the video and statement may have is greatly outweighed by the potential risk of unfair prejudice the defendant will suffer from the jury seeing and hearing the video and statement; and 3) The video and statement do not refer nor make reference to specific charged conduct.

As an initial matter, the video is approximately a little more than 4 minutes in length and features the recording hip hop artist Juelz Santana¹ from the hip hop group “Dip Set/ The Diplomats.” The video consists mostly of hearsay bluster typical of the “gangsta rap genre,” where the young men are seen smoking and bragging about their clothing. Towards the end of the video, defendant Jordan states in substance “The motto for 2010 is aim for the head... no body shots... no shots to the legs.”² Defendant Jordan then makes reference to a movie and the participants begin discussing the movie. Notably, defendant Jordan is not the only individual in the video who uses the “motto” or says the above words.

The Second Circuit has affirmed the admittance of lyrics where the “rap lyrics and rap music videos speak with specificity to the precise conduct with which [the defendant] was charged.” *United States v. Carpenter*, 372 F. Supp. 3d 74, 77 (E.D.N.Y. 2019), *aff’d*, 2022 WL 16960577 (2d Cir. Nov. 16, 2022). Although this is not a rap music video, and more of an

¹ Juelz Santana is an American rapper and member of East Coast hip hop group the Diplomats who has been featured on many hit singles and has received platinum certification on his own 2003 single. *Juelz Santana*, Wikipedia (last visited Jan. 19, 2024) https://en.wikipedia.org/wiki/Juelz_Santana.

² It is noteworthy that under the Government’s narrative, Jordan shot both witness #2 and # 7 in the legs.

interview, the same principle applies. When the video is viewed in context, by analyzing the participants, the time period in which it was made, along with what is said, it is clear that this video was intended to promote defendant Jordan's rap group, the Rich Fly Gees, by showing their association with a famous hip hop artist, Juelz Santana and Dip Set, along with presenting the image that they are successful rappers. Defendant Jordan does not discuss narcotics sales nor specific rivalries with other rappers in the video. The video is also eight years after the death of Mizell. Although the video has no probative evidentiary weight, it does have the potential to create substantial risk of unfair prejudice if viewed by the jury.

Therefore, as a result of the unfair prejudice as well as the lack of relevance and specificity to the crime charged, it is respectfully requested that the Court deny the Government's request to admit the video.

Respectfully submitted,

/s/

John A. Diaz, Esq.
Counsel for defendant Jordan